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UNIVERSITY OF MINNESOTA
UNIVERSITY SENATE MINUTES
FACULTY SENATE MINUTES
STUDENT SENATE MINUTES

FEBRUARY 18, 1993

The second meeting of the University Senate for 1992-93 was convened in 25 Law Building, Minneapolis campus, on Thursday, February 18, 1993, at 2:15 p.m. Coordinate campuses were linked by telephone. Checking or signing the roll as present were 128 voting faculty/academic professional members, 49 voting student members, 1 ex officio member, and 9 nonmembers. Professor Benjamin Liu, Vice Chair of the Senate, presided until President Nils Hasselmo arrived.

CONSENT AGENDA
Action (10 minutes)

Agenda Items I. through III. are considered to be noncontroversial or "housekeeping" in nature and are offered as a "Consent Agenda" to be taken up as a single item with one vote. Any item will be taken up separately at the request of a Senator. A majority of members present and voting is required for approval.

I. MINUTES FOR NOVEMBER 17, 1992

II. SENATE CONSULTATIVE COMMITTEE
Protocol for Administration Response to Senate Actions

Protocol for Administration Response to Senate Actions*

1. It is recommended that there will be consultation with various University constituencies and administrative offices prior to placement of an item on the Senate docket. Senate and Committee members and staff will consult with appropriate central administrative offices prior to final presentation of an item to the Senate to ensure clarity of intent and likely office responsible for administration of the action (if required).
2. In taking action, the Senate will indicate if: a) it is recommending new or revised policy for the Board of Regents; b) it is adopting or revising policy in areas where it has been delegated authority to enact policy by the Board of Regents; c) it is recommending to the administration a new administrative policy or recommending amendment or replacement of existing policy; d) it is adopting a report and/or recommendations about some University activity which requires administrative action; or e) it is adopting a resolution expressing the sense of the Senate. In the instance of (a), the Regents Office will review the proposed action to determine if Regents' action is appropriate.
3. All actions by the Senate will be directed by the Clerk of the Senate to the President, who will determine the proper office to which to refer the action for review and response. The Clerk will refer each item separately, to facilitate routing to the appropriate administrative offices, and will include a transmittal sheet to serve as a checklist as the Senate action is being considered.
4. The guiding principles for administrative response to Senate actions will be "prompt reply" and "full disclosure" in order to ensure that the Senate and its committees are able to address questions or problems which the administration may identify. In the event the administration has not responded to a Senate action within 90 days of its adoption, or requested an extension, then the matter will automatically appear as a question to the President on the agenda of the next regularly scheduled meeting of the University Senate.
5. The President's Office will communicate directly to the Clerk of the Senate and the Chair of the Senate Consultative Committee the administration's response to Senate actions (objections, actions, implementation schedule, etc.).
6. A regular item on the docket of the Senate will report administrative responses to Senate action.

*This protocol is also a model for actions by the various campus assemblies.

MARIO BOGNANNO, Chair
Senate Consultative Committee

III. SENATE CONSULTATIVE COMMITTEE
Protocol for Senate Committee Involvement
In Central Administrator Searches

Protocol for Senate Committee Involvement In Central Administrator Searches

I. Formation of Search Committees

Search committees are typically established to fill major University central administrative positions. The positions to which this section of the protocol is addressed include the following:*

President**
Senior Vice President
Vice President
Associate/Assistant Vice President
Provost
Associate/Assistant Provost
Vice Provost
Associate/Assistant Vice Provost
General Counsel
University Librarian
Director of Equal Opportunity and Affirmative Action
Director, Intercollegiate Athletics (Twin Cities campus)

Members of search committees for these positions, and their chairs, shall be chosen by the appointing authority after consultation with appropriate Senate committees, as follows.

The appointing authority shall ask the Faculty Consultative Committee and Student Senate Consultative Committee, or other appropriate committee (as set out in Section III of this protocol) to submit, by a specified date, names of the faculty and students who should serve on the search committee. The number of individuals nominated should be greater than the number who will serve on the search committee (perhaps twice as large), in order to allow for those who decline to serve and to provide the appointing authority some flexibility in the choices. The appointing authority will select the search committee from among those individuals or will explain to the Senate committee why the search committee membership deviated from the list of individuals nominated. The Faculty and Student Senate Consultative Committees may also identify the names of other individuals (who are not faculty or students) who the appointing authority may wish to consider selecting for search committee membership.

If the Senate committees are unable to provide names to the appointing authority by the date specified, he or she may proceed to appoint the search committee without Senate committee consultation. It is assumed the Senate committee would be given at least two weeks notice of the need for nominees to the search committee.

The Faculty Consultative Committee and the President or other administrator may agree that identification of faculty members for other administrator search committees is appropriate; this protocol should also be followed in such instances. The same is true for the Student Senate Consultative Committee.

II. Committee Responsibility for Interviews

The following Senate*** committees will be given the opportunity to participate in interviews of candidates for the positions noted, in accord with the provisions of Section III of this protocol. Interviews with committees will be scheduled irrespective of the scope of the search (full, limited, or non-competitive appointment); in the case

of non-competitive appointments, the committee will be given the opportunity to interview the candidate before the position has been offered to the candidate.

- Faculty Consultative: President; all vice presidencies (including the General Counsel); Director of EEO; Chancellors; Directors of Athletics [Twin Cities campus]; others as the President may request
- Student Senate Consultative: President; all vice presidencies (including the General Counsel); Director of EEO; Chancellors; Directors of Athletics [Twin Cities campus]; others as the President may request
- Computing and Info Systems: Associate/assistant vice president/vice provost for computing and information systems; University Librarian
- Educational Policy: Senior Vice President for Academic Affairs; Vice President for Arts, Sciences, and Engineering
- Faculty Affairs: Associate/assistant vice president for human resources
- Finance and Planning: Senior Vice President for Finance and Operations; associate/assistant vice presidents in Finance and Operations
- Intercollegiate Athletics: Director of Athletics
- Judicial Committee: General Counsel
- Library: University Librarian
- Research: Vice President for Research and Dean of the Graduate School; Assistant/associate vice president, ORTTA
- Student Affairs: Vice President for Student Affairs

III. Interviewing Protocol, Candidates for Administrative Positions with Senate Committees

It is understood that committee interviews, especially during the summer or when scheduled on short notice, may not involve a majority of committee members or consistent representation for several candidates. It is not the intent of this protocol that the hiring process be slowed or hindered by the possible unavailability of committee members. The committee interviews are scheduled to give committee members the opportunity to participate in the search process; if they are unavailable or do not attend, the hiring process should nonetheless go forward.

1. The committee will be supplied, in advance of the interview, copies of the position description and the curriculum vitae of each candidate.
2. The committee will assemble and discuss, in advance of the arrival of the candidate, how it wishes to conduct the interview.
3. The candidate will meet with the committee.
4. The candidate will depart; the committee will then meet in closed session to discuss the candidate(s) and to decide upon its comments or recommendation to the appointing authority. These comments or recommendation, including any minority or dissenting views, will be submitted as quickly as possible to the appointing authority.
5. The Faculty Consultative Committee and the President or other administrators may determine that faculty participation in interviews with candidates for other positions is desirable; FCC may delegate responsibility for participating in such interviews to other committees of the Senate or

the Assembly. FCC may also designate additional committees or individual faculty members to participate in any interviews. The same is true for the Student Senate Consultative Committee.

6. When more than one committee is appropriately involved in candidate interviews, the committees may schedule a joint session.

*In the parlance of the categorization of administrative appointees at the time this protocol is written, it covers class numbers 9301-9305, 9314, 9316, 9321-9328, and a few of the individuals in class 9330.

**The selection of the University President is the legal responsibility of the Board of Regents and the search committee for this office is drawn from the members of the Board. This committee has customarily involved the Senate Consultative Committee in the search, either relying on SCC to act as a search advisory committee or asking SCC to appoint such an advisory committee. It is presumed that this practice would continue.

***And, for the Directors of Intercollegiate Athletics (Twin Cities), the (Twin Cities) Assembly Committee on Intercollegiate Athletics.

MARIO BOGNANNO, Chair
Senate Consultative Committee

DISCUSSION:

The Consent Agenda was approved without discussion.

APPROVED

IV. SENATE CONSULTATIVE COMMITTEE
Support of University Governance
Information

January 14, 1993

MEMORANDUM

To: Mike Bognanno, Chair
Faculty Consultative Committee

From: Judith Garrard (Chair)
Shirley Zimmerman
Jim Tracy

Re: FCC Ad Hoc Subcommittee on Allocation of Funds for Selected Senate Chairs

Purpose

This is a report by the subcommittee regarding allocation of Funds for Selected Senate Chairs.

Background Information

Approximately 4-5 years ago, Senate Rule 6, paragraph 3 was passed regarding support for SCC chairs:

"Central administration should fund released time for the faculty chairs of the Consultative, Judicial, Educational Policy, Finance and Planning, and Faculty Affairs Committees and initially it should be equivalent to one course of teaching each year (except for the Consultative Committee, which is currently by arrangement). If the chair is a student, the student should receive compensation. This policy shall be reviewed by the Senate Consultative Committee at the end of the 1989-90 year."

There is no record of the policy having been reviewed by the SCC in either 1989-90 or 1990-91.

In November, 1992, FCC Chair, Mario Bognanno, appointed a subcommittee "to recommend a policy or parameters that should be followed in the use of Senate funds allocated to committee chairs."

Currently, the funds available are the following: the FCC chair is allocated 25% of his/her salary and fringe benefits on a B-base appointment basis and each of the other chairs is allocated \$5000. These funds are paid to the academic units of the designated chairs by the Office of Academic Affairs and are not part of the budget allocation to the SCC.

Survey of Former SCC Chairs

In preparation for developing this report, background information was gathered from current and former FCC chairs (Tom Scott, Tom Clayton, Avner Ben-Ner, David Ward, Irwin Rubenstein, Stanford Lehmborg, Burt Shapiro, and Amos Deinard) regarding their use of the funds. Their comments can be summarized as follows:

One chair did not know of the availability of the funds at all and two others became aware of the funds in the second year of their two-year chairmanships. The other chairs apparently were aware of the funding.

Of the seven chairs who knew of the funds, three used them for course-buyout, three chairs used the funds for other university-related expenses (e.g., purchase of equipment, research and teaching assistant time, contribution to general departmental expenses), and one chair did not use the funds at all.

The sentiment of the former chairs was that future chairs should have discretionary use of the funds. Several made the case that course-buyout is not always feasible or even desired. The philosophy, they recommended, should be that the funds should be made available to assist and compensate for the considerable amount of time required to chair these committees and only the individual recipient can determine what buys him/her that flexibility.

Recommendations

The Subcommittee recommends the following regarding compensation for chairing FCC or designated FCC committees:

1. Notification of Fund Availability. A faculty member being recruited to chair one of the designated committees should be informed of the availability of these funds when he/she is being recruited for the chairmanship. This should be communicated by the Chair of the Committee on Committees; however, the responsibility for notifying the Office of Academic Affairs regarding the allocation of these funds should be that of the chair of FCC. The allocation of funds should be made at the beginning of the Committee Chair's appointment.
 - a. In the event that a Committee Chair resigns or shares the chairmanship with another individual, the funds should be allocated proportionately.
 - b. If a chair is a student, the same amount should be allocated to the student.
2. Flexibility of Funds. The chair of each of the designated committees should have flexibility in the use of the funds and may use them in any manner consistent with University policy. For example, the funds can be used for course buyout, for summer salary (for B-base appointments), for university equipment, teaching or research assistants, for university related travel, for salary augmentation, and for other types of

university related expenses.

A student can use the funds as either personal compensation (e.g., in lieu of time available for an extra curricular job) or for university related expenses. The technical aspects of obtaining the funds would need to be arranged with central administration.

3. Future Reviews. The FCC should review this policy and survey former chairs regarding (1) notification of the availability of funds and (2) actual use and usefulness and problems associated with this funding. We recommend that this review be done every three years, beginning in 1997-98.

MARIO BOGNANNO, Chair
Senate Consultative Committee

ACCEPTED

V. SENATE CONSULTATIVE COMMITTEE
University of Minnesota Grievance Policy
Action (45 minutes)

MOTION 1:

That the Senate approve the following motion to establish a special committee to develop a Student Academic Complaint Policy:

A special committee made up of faculty, undergraduate and graduate students, and administrators representing the various campuses and colleges, including the Graduate School, shall be promptly appointed by the President and Chair of the Senate Consultative Committee. The special committee is charged with the task of preparing a report and recommended policy to the President and University Senate regarding the development of a student academic complaint policy, including among other subjects specific recommendations pertaining to the:

1. scope and jurisdiction of academic complaints;
2. covered students;
3. procedures through which academic complaints should be processed;
4. inter-campus/college/department coordination of complaint processes; and
5. implementation protocols.

The student academic complaint report and recommendations shall be ready for presentation to the President and Senate Consultative Committee on or before May 6, 1993, and for action at the May 20, 1993 meeting of the University Senate.

COMMENT:

It is widely held that academic committees or equivalent organizations exist to remedy student complaints arising out of non-employment, academic fact situations (for example, admission, advising, testing, grading and related complaints). The Review Committee surveyed the University's colleges discovering that while some do have academic complaint policies and committees, other were uncertain, and still others do not. For example, the Graduate School does not. The scope of the proposed University Grievance Policy includes employment-based grievances raised by any student employees, but it does not include academic-based complaints students may have. The Review Committee concluded that the latter class of complaints were properly heard and remedied under policies and procedures connected with the academic program (faculty), department or college out of which the complaint arose. Further, it concluded that student academic complaint policies and procedures should accommodate cases that may cut across academic units (for example, a department-based academic program and the Graduate School). The proposed special committee to develop a Student Academic Complaint Policy would be an all-University committee.

MOTION 2:

That the Senate approve the following statement of the University of Minnesota Grievance Policy. (Note: This Policy will supersede the current University of Minnesota Grievance Policy and Memorandum of Understanding; in addition, this policy also supersedes grievance policies that apply to student employees, civil service staff, and academic professional staff, although separate action may be required to make the Policy fully applicable to all classes of covered employees.)

University of Minnesota Grievance Policy

I. Purpose

The University of Minnesota Grievance Policy ("UGP") is an internal University process for the good faith review and resolution of employment grievances filed by employees of the University, including faculty, academic professional and administrative staff, civil service staff and student employees. This policy does not cover employees of the University of Minnesota Hospital and Clinic ("UMHC"), and employees in bargaining units represented by labor organizations.

The UGP does not, and is not intended to, create any legal rights for faculty members, students, staff, or other persons, and is not part of any contract between the University and its employees or any other individual. However, an employee who chooses to proceed to Phase IV arbitration shall be required to sign a waiver which, at that point, shall create contractual obligations between the University and the employee. The Phase IV arbitration award is the only feature of this policy which is legally final and binding on both the University and the employee.

The intent of the UGP is to create an internal method for addressing grievances, and the policy is subject to change from time to time.

II. Scope of Grievance Policy

A. Parties.

A grievance may be filed by one or more faculty, academic professional and administrative, civil service or non-academic or academic student employees, except employees represented by a labor organization and UMHC employees. The person(s) filing the grievance is the grievant.

The respondent is the University of Minnesota. The respondent's representative at each phase of the process is identified in this policy. A grievance may not be directed against another employee as an individual.

B. Subject Matter.

A grievance must allege a violation of a specific University rule, regulation, policy or practice pertaining to the employment relationship between the grievant and the University. This includes the terms of the grievant's employment contract, alleged violations of this grievance policy, and discipline.

Discretionary actions, such as salary adjustments and performance evaluations, may not be grieved, except to determine (1) whether the discretionary action was made in accordance with relevant University rules, regulations, policies, practices, procedures, or criteria; and (2) whether the action constitutes a clear abuse of discretion.

Complaints involving promotion, denial of tenure, suspension or removal of a regular faculty member, or allegations of denial of academic freedom relating to teaching and research are not grievances under this policy. Such claims are governed by procedures contained in the "Regulations Concerning Faculty Tenure," including Section 15.1.

Student claims not relating to the employment relationship, including but not limited to admission decisions, academic standing, grades, and cheating, are not grievable under this policy. Such claims are governed by procedures provided by the appropriate college, campus or academic division.

Complaints alleging sexual harassment and academic misconduct are not grievances under this policy. Such claims shall be referred to the appropriate office for investigation and review. Discipline imposed on any employee, except employees represented by a labor organization or UMHC employees, including discipline imposed as a result of sexual harassment and academic misconduct proceedings, is a grievance under this policy.

Any complaint alleging discrimination, other than sexual harassment, in the employment relationship is a grievance under this policy unless the complaint has been filed with the Office of Equal Opportunity and Affirmative Action ("Office"), and the matter remains under investigation and review by that Office and the University's administration. Any final administrative disposition of an employment related discrimination complaint initially filed with the Office may subsequently be grieved under this policy.

The Director of the Office shall appoint a representative to serve as an ex-officio, non-voting advisor to a Phase III panel hearing any complaint alleging discrimination which has not been investigated and reviewed by the Office.

III. Administration

A. University Grievance Officer.

The University Grievance Officer ("UGO"), and any necessary additional staff, shall be appointed by the President after consultation with the Grievance Advisory Committee. The UGO will:

1. Review each complaint to make an advisory determination whether the complaining party is covered by this policy, and whether the complaint is a grievance within the scope of the UGP. The UGO may provide counseling to complainants, and shall direct all complainants and complaints which are not "grievances" under this UGP to the correct forum.
2. Forward all disputes regarding the appropriate University representative to the Senior Vice President for Academic Affairs for a final disposition.
3. Administer the UGP process, including scheduling all meetings, receiving and forwarding all documents, and chairing the Phase I and II, as necessary, meeting(s).
4. Mediate as requested by the parties.
5. Prepare an annual report to include a summary of issues grieved and the decisions, which shall be published in the University Senate docket, and which shall be delivered to the President, Grievance Advisory Committee, Faculty Consultative Committee, Academic Staff Advisory Committee, Civil Service Committee, and Student Consultative Committee. The report must include a summary (prepared to protect the identity of individual grievants) of those instances in which the Senior Vice President for Academic Affairs has declined to accept the recommendations of a Phase III hearing panel.

B. Senior Vice President for Academic Affairs.

The Senior Vice President for Academic Affairs shall have the final authority to determine the appropriate respondent's representative. The Senior Vice President for Academic Affairs will also designate the appropriate vice presidential areas and the responsible vice presidents (or equivalent officers, such as chancellors or vice-provosts). These decisions may not be contested in proceedings under the UGP.

C. University Grievance Board and Hearing Officers' Panel.

The University Grievance Board is a board of peer representatives able to serve on Phase III hearing panels. It shall consist of at least five University employees from each of the following categories: faculty, academic professional and administrative staff, civil service staff, non-academic student employees, and academic student employees. Faculty representatives shall be appointed by the Senate Committee on Faculty Affairs, academic professional and administrative representatives by the Academic Staff Advisory Committee, civil service

representatives by the Civil Service Committee, non-academic and academic student employee representatives by the Student Senate Committee on Committees. The appointees in each category should be from broadly varied backgrounds, and should receive staggered two year terms.

The Hearing Officers' Panel is a separate group of employees designated and trained to serve as hearing officers. The Hearing Officers' Panel shall consist of five (5) University employees from each of the following categories: faculty, academic professional and administrative staff, and civil service staff. The Senate Committee on Faculty Affairs, Academic Staff Advisory Committee and Civil Service Committee shall each prepare a list of ten (10) University employees from the respective categories. The President may ask for more names from the committee. The President shall appoint from each list five (5) employees to serve on the Hearing Officers' Panel for staggered three year terms. The UGO or an appropriate designee shall train all hearing officers for service as Phase III presiding officers.

D. Grievance Advisory Committee.

The Grievance Advisory Committee will consist of one (1) member appointed by each of the following groups: The Senate Committee on Faculty Affairs, the Academic Staff Advisory Committee, the Civil Service Committee, the Student Senate Committee on Committees, a chair appointed by the Senate Consultative Committee, and two (2) administrative representatives appointed by the President. Appointments may be for terms of up to two (2) years.

The Grievance Advisory Committee will advise the President regarding the selection of the UGO, the UGO's performance, and the operation of the UGP. The Committee has no role in the disposition of individual grievances.

The Grievance Advisory Committee will undertake a thorough review of the functioning of this policy every five (5) years and report its findings and recommendations to the President and University Senate. The first review shall commence on September 16, 1998.

IV. **Grievance Procedure**

A. Initiating a Grievance.

A grievance is initiated by filing a written statement of the grievance with the office of the UGO within thirty (30) work days after (a) the action being grieved occurred or commenced; or (b) the grievant received notice or had knowledge of the action being grieved, whichever is later. An alleged grievance will not be acted upon unless filed within the specified time, unless there are compelling reasons for delay.

The written grievance must identify:

1. the person(s) grieving and his/her employment status;
2. the action being grieved;
3. the specific University rule, regulation, policy, or practice pertaining to employment, or provision of grievant's employment contract, alleged to have been violated;
4. the person(s) responsible for the action, if known, and the unit; and
5. a proposed remedy which is within the authority of the University to grant.

The UGO shall forward a copy of the grievance to the person(s) responsible for the action if identified, and if not, to the unit administrator, within five (5) work days after the grievance is filed.

B. Phase I - Informal Meeting.

The purpose of the Phase I meeting is to facilitate grievance resolution through informal discussion and

negotiation between the parties. The parties in this phase are the grievant and the administrator responsible for the action which is grieved.

The UGO shall set an informal meeting with the grievant, the respondent, and the UGO within ten (10) work days from the date the grievance was filed, unless there are compelling reasons for delay.

The UGO shall chair this meeting and explain the grievance process including relevant time limitations. The UGO should facilitate communication of information between the parties, and may make settlement recommendations as appropriate. Such recommendations shall be made solely to assist the parties in reaching a speedy and fair resolution.

By express mutual consent of the parties, the Phase I meetings may be continued for a specified period of time to enable the parties to consider a proposed resolution. Absent express mutual consent, the Phase I meeting shall be deemed to conclude when the parties leave the meeting.

Within five (5) work days of the conclusion of the Phase I meeting, the Phase I University representative shall submit a written answer to the grievance to the UGO and the grievant. If the grievant chooses to proceed to Phase II, the grievant must submit a written notice of intent to proceed to the UGO and the respondent within five (5) work days after the date the grievant received the Phase I written answer, unless there are compelling reasons for delay.

C. Phase II - Meeting with Supervisor.

The purpose of the Phase II meeting is to facilitate grievance resolution by informing and involving higher University administration. The parties are the grievant and the supervisor of the Phase I University representative or his/her designee.

The UGO shall set a meeting within ten (10) work days from the date of the UGO's receipt of the grievant's notice of intent to proceed, unless there are compelling reasons for delay.

The meeting shall be attended by the grievant and an appropriate supervisor(s) of the Phase I University representative. The Phase I University representative may appear at the request of the supervisor. The vice president for the unit in which the grievant is employed shall be notified by the UGO of the Phase II meeting, and has the authority to designate the appropriate supervisor(s) to attend this meeting.

The UGO shall chair the meeting and explain the grievance process including relevant time limitations. If all parties agree, the UGO may continue to serve as a mediator in a settlement facilitating role.

The Phase II meetings may be continued for a specified period of time to enable the parties to consider a proposed resolution by express mutual consent of the parties. Absent express mutual consent, the Phase II meeting shall be deemed to conclude when the parties leave the meeting.

Within ten (10) work days after the Phase II meeting concludes, the Phase II University representative must submit a supplemental written response to the grievance to the UGO and the grievant. Any jurisdictional challenges must be included in the supplemental response, if not already raised in the initial response.

If the grievant is not satisfied with the supplemental response, the grievant must deliver a written notice of intent to proceed to Phase III to the UGO and the Phase II University representative within ten (10) work days after receipt of the Phase II supplemental response, unless there are compelling reasons for delay. The grievant may amend the grievance by delivering a written amendment with the notice of intent to proceed.

If the grievant amends the grievance, the Phase I or II representative may file a written response to any new issues within ten (10) days of receipt of the amended grievance.

D. Phase III - Panel Hearing.

The purpose of Phase III is to provide an internal evidentiary hearing by a three person panel. The parties

are the grievant and the vice president for the unit (or the President if the unit reports directly to the President). The vice president (or, if applicable, the President) may designate a representative to act on behalf of the University.

The UGO shall convene the Phase III hearing panel. The panel shall consist of one member of the University Grievance Board chosen by the grievant, one designee of the vice-president of the unit in which the grievant is employed (or by the President, if the unit reports directly to the President), and one hearing officer from the Hearing Officers' Panel. The UGO shall select a hearing officer of the same employee category (faculty, academic professional and administrative, or civil service) as the grievant. If the grievant is a student employee, the hearing officer shall be from the faculty, academic professional and administrative or civil service employee categories as determined by the student grievant. No panelist shall have a direct interest in the grievance.

The grievant and the vice-president's designee shall inform the UGO of their selections within five (5) work days after delivery of the intent to proceed to Phase III. The UGO shall promptly convey the names of the three panel members to all parties.

The grievant and the University representative each have the right to peremptorily challenge the person selected as hearing officer by the UGO within five (5) work days of receipt of notice of the selection. The UGO will then select another hearing officer from the Hearing Officers' Panel. There is no further right to peremptory challenges.

The UGO shall schedule the Phase III hearing within thirty (30) work days from the date of the UGO's receipt of the grievant's notice of intent to proceed, unless there are compelling reasons for delay.

The hearing officer will direct the course of the Phase III hearing. After the Phase III hearing, the panel shall prepare a decision consisting of a statement of the issues, contentions of the parties, findings of fact, opinion and award, if any. A majority of the panelists is required to reach a decision. The decision shall be issued within thirty (30) work days of the close of the record, and shall be signed by the panel members concurring in it. The decision shall be sent to the UGO, who shall promptly distribute it to the parties and to the Senior Vice President for Academic Affairs.

If the Phase III panel decision is favorable to the grievant, the University will implement it, unless the Senior Vice President for Academic Affairs delivers a written notice to the UGO and the grievant within ten (10) work days of the receipt of the Phase III panel's decision stating that the decision is not acceptable and the reasons why it is not acceptable. In this event, the grievant may request Phase IV arbitration.

If the decision of the Phase III panel is not favorable to the grievant, the grievant may choose to proceed to Phase IV arbitration. If the Phase III decision is not acceptable to the University, or if it is not favorable to the grievant, the grievant must deliver a written notice of intent to proceed to Phase IV to the UGO and the Phase III University representative within ten (10) work days after the grievant received the Phase III hearing panel decision or the Senior Vice President's notice, whichever occurred last, unless there are compelling reasons for delay.

If the grievant chooses to proceed to arbitration, the grievant shall sign an acknowledgement of his/her voluntary choice to proceed to binding arbitration to resolve the grievance and/or discovery dispute, and shall waive and release all rights to pursue substantially the same claim in any other forum.

E. Phase IV - Arbitration.

The purpose of Phase IV is to provide an opportunity for the parties to voluntarily engage in final and binding arbitration of a discovery dispute by a neutral arbitrator and of the grievance by a three person panel. The representative parties are the grievant and the President or his/her designee.

The UGO shall convene the arbitration panel. The panel shall be chaired by a neutral arbitrator who shall direct the course of the Phase IV hearing. The UGO shall obtain a list of five (5) arbitrators from the State of Minnesota Bureau of Mediation Services. In cases involving faculty or academic professional and administrative staff, the Bureau of Mediation Services shall randomly select the names from a roster of no fewer than twenty-five (25) non-Minnesota resident members of the National Academy of Arbitrators holding either tenured faculty rank or emeritus status in a university located in the United States, other than the state of Minnesota. In cases involving

civil service or student employees, the Bureau shall randomly select the names from its own roster of grievance arbitrators. Within ten (10) work days of receiving the list, the grievant and University representative shall alternate in striking names from the list until a single arbitrator's name remains. The party to strike first shall be determined by the toss of a coin.

In addition to the arbitrator, the panel shall consist of a University Grievance Board member selected by the grievant, and a designee of the vice president of the unit in which the grievant is employed. These panelists may, but need not be, the same persons who served on the Phase III panel. The parties shall inform the UGO of their panel member selections within five (5) work days of receipt of the list of arbitrators.

The UGO shall notify the panel members of their selection, and shall coordinate scheduling of the arbitration hearing.

The neutral arbitrator shall conduct all preliminary hearings required to reach final decisions in discovery disputes over access to documents and information.

The panel shall issue a decision within thirty (30) work days from the date of the close of the record. A decision shall be made by a majority of the panelists. The decision shall be in writing, and shall include a statement of the issues, contentions of the parties, findings of facts, and opinion and award, if any. The decision shall be sent to the UGO, who shall distribute it to the parties promptly. The decision is legally binding.

The grievant and the University shall each be responsible for one-half of the arbitrator's fees and expenses. There will be no charge for participation by the other representatives on the Phase IV panel. The parties shall be responsible for their own expenses.

V. General Rules

A. Time Limits.

A work day is defined for purposes of this policy as a day the University is open, but does not include weekends and holidays. Compelling reasons for delay include days on which the employee was not on the payroll of the University, or was on authorized vacation or leave, except for determining the initial filing deadline.

When the grievant fails to file or process a grievance within the time limits set forth above, unless there are compelling reasons for the delay, the grievance shall be deemed to have been waived. At each phase in the grievance procedure the parties may agree to waive the time limits, or to skip any phase, by express mutual consent.

The University representative's failure to produce the requisite written responses following the close of Phase I, Phase II and Phase III sessions shall not limit the grievant's rights to appeal to the next relevant phase of the process.

B. Due Process.

All parties have the right to be present throughout all Phase III and Phase IV proceedings, to submit evidence, and to cross-examine adverse witnesses. The rules of evidence used in courts of law shall not apply. In cases not involving the imposition of discipline, the grievant has the burden of demonstrating the violation of University rule, regulation, policy or practice. In cases in which discipline has been imposed, the respondent has the burden of demonstrating the violation of University rule, regulation, policy or practice and the appropriateness of the sanction.

C. Discovery.

1. Duty to provide discovery. Parties shall comply with all reasonable requests for information relevant to the grievance, provided such disclosure is consistent with law. Hearing officers and neutral arbitrators have no authority to require disclosure of information which is inconsistent with any law, particularly the Minnesota Government Data Practices Act and the Federal Educational Rights and Privacy Act. In order to comply with confidentiality obligations of the University, a party and panel members may be required by the University, at its

sole discretion, to sign and abide by a confidentiality agreement before certain information may be released for the limited purpose of a grievance hearing.

2. Discovery contests at Phase II. If the parties cannot resolve a dispute over access to documents or information, the UGO shall refer the matter to the hearing officer for a preliminary hearing for the limited purpose of resolving the discovery dispute. The hearing officer may confer with the UGO regarding guidelines for access to documents or information. The hearing officer shall issue a decision within five (5) work days after the close of the record, and deliver copies of the discovery decision to the UGO and to the parties.

a. If the hearing officer's discovery decision is not challenged within five (5) work days after its receipt, the UGO shall promptly schedule a Phase III hearing.

b. If either the University representative or the grievant objects to the hearing officer's discovery decision, the objecting party must deliver written notice to the UGO and to the opposite party within five (5) work days after receipt of the hearing officer's discovery decision. In either case, since arbitration is voluntary under this policy, within five (5) work days following the five (5) work days challenge period, the grievant shall unilaterally determine, through written notice delivered to the UGO and the University representative, the avenue to be followed to resolve the discovery dispute. The grievant's choices are as follows:

i. The discovery issue may be decided through legally binding arbitration as set forth in Phase IV of this policy except that the neutral arbitrator shall hear and decide discovery issues without a Phase IV panel. The neutral arbitrator shall issue a decision within ten (10) work days after the close of the record. Under this avenue, the UGO shall schedule the Phase III hearing within thirty (30) work days from the date of the UGO's receipt of the neutral arbitrator's discovery decision.

ii. The grievance issue may proceed to a Phase III panel hearing on its merits. However, the decision to proceed to a Phase III panel hearing shall not be construed as a waiver of the grievant's right to subsequently appeal to Phase IV the hearing officer's discovery decision and the Phase III panel's decision on the grievance. Under this avenue, the UGO shall promptly schedule a Phase III hearing.

3. Subpoenas. At the request of either party, the arbitrator may issue necessary subpoenas as provided by law.

D. Advocates.

Grievants may be represented by employee advocates throughout the process. If the grievant wishes to be represented by an attorney, including an employee advocate who is an attorney, the grievant must promptly inform the UGO and the respondent. The University administrator(s) may be represented by an attorney provided by the Office of the General Counsel, only if an attorney represents the grievant (including an employee advocate who is an attorney), or if the grievant is an attorney,

E. Confidentiality.

The UGO and hearing panels shall not disclose any documents or information concerning a grievance except as necessary to comply with procedures for conducting the hearing, or as permitted or required by law. All hearings will be closed to the public.

F. Witness Testimony.

Every member of the University community is strongly encouraged to be cooperative if they are requested to provide testimony at a hearing under this policy.

G. Awards.

No panel under the UGP shall have any authority to issue a financial award to any employee beyond back pay and benefits actually lost, together with reinstatement. No panel shall have authority to order compensation for fees and expenses of advocates, pain and suffering, emotional distress, penalties or punitive damages.

H. Enforcement.

It is the responsibility of the University to faithfully carry out its responsibilities under this policy, and to enforce the terms of any binding decision under this policy. The University's deferral of jurisdictional challenges until Phase III and Phase IV is not a waiver of its right to raise these challenges at Phase III and Phase IV.

COMMENT:

The current University Grievance Policy (UGP or procedure) which took effect in September 1990 called for a review after two years. Consequently, in late January 1992 President Nils Hasselmo and SCC chair Thomas Scott appointed the following Review Committee to study and propose revisions to the current UGP: Mary Easterling, HRM Executive Assistant, Student Financial Aid Service, Civil Service; Judith Garrard, Professor, School of Public Health; Burle Gengenbach, Professor, College of Agriculture; Harriet Haynes, Sr. Psychologist, University Counseling Services, P&A; Jack Imholte, Professor, University of Minnesota, Morris; Rosemarie Park, Associate Professor, College of Education; Esther Reese, Student, College of Liberal Arts; David Ward, Professor, College of Liberal Arts; and Mario Bognanno, Professor Industrial Relations Center, Carlson School of Management, and Review Committee Chair. Julie Sweitzer, General Counsel's Office, and Emily Page, Office of Academic Affairs provided ex officio assistance to the Review Committee.

Between February-March of 1992, the Review Committee studied grievance files, received written information from a variety of individuals and organizations, and took direct testimony from a number of individuals. After reviewing this information, findings and recommendations were prepared and presented for information and discussion at the May 1992 meeting of the University Senate. Following the Senate meeting additional ideas and reactions were received by the Review Committee.

During the summer of 1992, the Review Committee issued its initial draft of a proposed UGP, inviting comments and reactions. This and subsequent drafts of the proposed UGP were discussed with and/or reviewed by individuals or groups affiliated with the Academic Staff Advisory Committee, Civil Service Committee, Department of Human Resources, Equal Employment Opportunity for Women Committee, Faculty Consultative Committee, Graduate and Professional Student Association, Office of Equal Opportunity and Affirmative Action, Senate Committee on Faculty Affairs, Senate Consultative Committee, Senate Judicial Committee, Provost's Council, General Counsel's Office, University Grievance Committee, University Grievance Officer, and University of Minnesota Board of Regents. The final draft of the proposed UGP was prepared by the Review Committee after considering and balancing the full range of ideas offered by the above-named parties.

It is significant to observe that since the scope of the proposed UGP included all University employees who are not represented by a certified bargaining agent, and who do not work at the University Hospitals and Clinic, the Review Committee attempted to build a procedure that met the expectations of a large number of different employee categories including faculty, academic professional and administrative staff, civil service staff, and student employees. Moreover, the proposed UGP goes beyond the current advisory procedure by providing for final and binding decisions. By endorsing the UGP, the University is surrendering its final decision-making prerogative to the authority of a balanced arbitration panel chaired by a neutral, professional arbitrator. This and other critical aspects of the proposed UGP assumes that good faith differences will exist between employees and the University, and it attempts to provide generally acceptable mechanisms for dealing with these differences.

The decision-making criteria that guided the work of the Review Committee included easy access to the procedure and structural simplicity; greater emphasis on problem-solving; fairness and procedural due process; speed; and finality. These criteria resulted in the proposed UGP which may be characterized by the following features:

(1) An office of the University Grievance Officer where the grievances of all covered employees are filed, and where the responsibility resides for case management and administration. The current 3 person Standing Subcommittee on Procedure, 9 person University Grievance Committee, and 26 unit grievance committees with a membership of about 205 persons will all be replaced by a 25 member University Grievance Board, and 15 person Hearing Officers' Panel. Oversight of the office of the University Grievance Officer and UGP's operations will be the responsibility of the 7 person joint employee-administration Grievance Advisory Committee.

(2) The opportunity for informal, non-technical, problem-solving meetings to discuss grievances with the first level University representative (Phase I), and with that representative's supervisor or a higher-level University authority (Phase II).

(3) An internal Phase III hearing panel responsible for conducting evidentiary, due process hearings. Phase III panels are comprised of 2 employees and 1 administrator. The panels will be chaired by a trained Hearing Officer (appointed to the Hearing Officers' Panel) drawn from the ranks of covered regular non-administrative employees, a peer designee selected by the grieving employee (from the University Grievance Board), and a designee identified by the University. The Phase III hearing panel's judgements are advisory to both the grievant and University.

(4) A Phase IV arbitration hearing panel responsible for conducting evidentiary, due process hearings. Phase IV panels are comprised of 1 employee, 1 jointly selected neutral arbitrator, and 1 administrator. The arbitration panel will be chaired by a neutral, professional arbitrator, and will also include a peer designee selected by the grieving employee (from the University Grievance Board), and a designee identified by the University. The Phase IV arbitration panel's judgements are final and binding on the grievant and University. The decision to exercise Phase IV arbitration (versus, for example, taking the matter to court) resides exclusively with the employee-grievant. Arbitration is voluntary. The grievant and University pay equal shares of the arbitrator's fees and expenses.

- (5) Under normal circumstances, from the day a grievance is filed until:
- the end of phase I, including the University's written answer, 15 work days may elapse;
 - the end of Phase II, including the University's written answer, 45 work days may elapse;
 - the end of Phase III, including the Phase III panel's written advisory decision, 70 work days may elapse;
 - the scheduling of the Phase IV arbitration hearing, 100 work days may elapse.

MOTION 3:

That the Senate approve the following motion to transition from the current to the new University Grievance Policy:

1. That the President will designate an effective date of the new University Grievance Policy in consultation with the Senate Consultative Committee. The effective date will be after the University Grievance Officer has been designated.

2. That on the effective date of the new University Grievance Policy grievances pending under the current policy will be handled as in the following ways:

(a) Except when grievants wish to have their cases transferred to the new policy and processed under rule 2(b), all cases in which a hearing panel has been appointed under the old policy will continue to be heard under the old policy. This includes the hearing and decision of the case, and the hearing and decision of appeals and requests for further review.

(b) All cases in which a hearing panel has not been appointed will be transferred to the new policy. Employment disputes will be referred to Phase I, II, or III of the new policy in light of the extent to which the parties have had an opportunity for meetings between the contesting parties. Non-employment, academic complaints involving students will continue to be heard under the current policy until such time that a student academic complaint policy is approved, and collegiate remedial processes are available for use.

That the Grievance Officer under the old policy will assign all pending cases according to these rules. A transferred grievance may not be challenged as having been filed too late under the new policy.

3. In order to complete work under the old policy, the committees and panels established under the old policy will continue to deal with cases in items 2(a) and 2(b). Successors may be appointed to fill vacancies, as needed. The University Grievance Officer will facilitate transition operations under both policies, and implement

decisions reached under both policies.

4. The filing of all cases decided under the old policy will be kept by the new University Grievance Officer.

COMMENT:

The motion provides for a smooth transition from the current to the proposed University Grievance Policy. It provides for the identification of the effective date on which the proposed policy shall become effective; procedures to be followed in the management of existing cases, and non-employment, academic complaints involving students; and administrative details such as passing all cases decided under the current policy to the University Grievance Officer under the proposed policy.

MARIO BOGNANNO, Chair
Senate Consultative Committee

DISCUSSION:

Professor Bognanno presented the three motions relating to the proposed University Grievance Policy. The first motion establishes a committee to develop a Student Academic Complaint Policy; the second motion asks for adoption of a revised University Grievance Policy; and the third motion provides for a timely and smooth transition from the old policy to the new policy. Professor Bognanno encouraged Senators to take a few moments to review the comments for each motion, if they had not already had an opportunity to do so, in the interest of saving time.

Speaking to motion 1, Professor Bognanno said the Review Committee discovered during its review process that there is wide variance among colleges with respect to student academic complaint committees and policies. The Grievance Policy presented under motion 2 lays out a very specific policy to be affected whenever a University employee has a complaint. However, it does not make provision for academic grievances. Faculty may turn to the Senate Judicial Committee with cases involving denial of tenure and/or promotion and termination for cause, but students have no such mechanism.

Hearing no discussion of motion 1, Professor Bognanno turned to Motion 2. Approximately three years ago the University adopted a University Grievance Policy with the provision that it be reviewed during the 1991-92 academic year. In January 1992, a committee composed of a cross-section of University employees was established to review the Grievance Policy and Procedures. A year of intense review and work, Professor Bognanno said, resulted in the proposed Grievance Policy contained in Motion 2. A unique feature of the policy is its design to suit the interests of all University employees, except those employed at the University Hospital and Clinic and those covered under a collective bargaining agreement. Moreover, the policy is innovative in that it includes provision for binding arbitration. Goals of the Review Committee included: 1) ease of access to the procedure, 2) structural simplicity, 3) greater emphasis on problem solving, 4) fairness and procedural due process, and 4) timely resolution. Professor Bognanno briefly outlined the structure under the proposed policy, referring to it as "one stop shopping" for all employment classes. The number of individuals involved in the grievance procedures will be reduced from approximately 250 to 50. Referring to the comments listed under Motion 2, Professor Bognanno outlined the structure of the proposed policy and the estimated timeframe for filing grievances.

Professor Fred Morrison complimented the committee on its hard work and efforts in producing a policy that is a substantial improvement over the current one. He then identified a number of amendments, most of which he and the committee considered friendly. They included: [new language is underlined; deleted language is ~~struck out~~]

amendment 1

delete the last sentence in section V.B. ".....In cases in which discipline has been imposed, the respondent has the burden of demonstrating the violation of University rule, regulation, policy or practice and the appropriateness of the sanction. In ~~discipline cases, the reports of investigatory bodies may be considered in support of the administrative action.~~

- amendment 2 amend section V.D. as follows: "~~Advocates are not permitted to attend the Phase I meeting. However, advocates may participate in the Phase II meeting, Phase III hearing and Phase IV arbitration. Grievants may be represented by employee advocates throughout the process. If the grievant wishes to be represented by an attorney~~"
- amendment 3 amend the first paragraph of section II.A. as follows: "..... except employees represented by a labor organization and UMHC employees. ~~Individuals who are not on the payroll of the University of Minnesota, and who are independent contractors or volunteers are not "employees" under this policy. The person(s) filing the grievance~~"
- amendment 4 amend the first paragraph of section V.A. as follows: ".... Compelling reasons for delay include days on which the employee was not on the payroll of the University, or was on authorized vacation or leave, ~~except for determining the initial filing deadline.~~
- amendment 5 amend section III.A.5. as follows: "Prepare an annual report to include a summary of issues grieved and the decisions, which shall be published in the University Senate docket, and which shall be delivered to the President, Grievance Advisory Committee, Faculty Consultative Committee, Academic Staff Advisory Committee, Civil Service Committee, and Student Consultative Committee. The report must include a summary (prepared to protect the identity of individual grievants) of those instances in which the Senior Vice President for Academic Affairs has declined to accept the recommendations of a Phase III hearing panel.

Amendments 1, 3, and 5 were accepted as "friendly" amendments and were incorporated into the original motion.

Amendment 2 raised considerable debate. Many favored the inclusion of advocates at all phases arguing that some grievants are too intimidated by the "supervisor" to be willing to proceed without an advocate or representative, and that it would be easier to reach a compromise solution if the grievant had someone to discuss the options with.

Those speaking against amendment 2 argued that including advocates in Phase I defeats the intent of the Phase I meeting where it is hoped that informal conflict resolution can take place. Including advocates at this stage often adds to the adversarial nature of the situation. Advocates would be allowed at all other phases. One individual noted that Phase I under the proposed policy closely parallels what is called the first step under the current Civil Service Grievance Procedures and cited the successes of informal resolution under that system. Advocates are not allowed at the first step meetings. The proposed policy would actually be an enhancement to the Civil Service procedures in that the University Grievance Officer would be included in the Phase I meeting to serve as a mediator.

Amendment 2 was then approved 75 to 58 with 1 abstention.

Amendment 4 was withdrawn without discussion.

The discussion then turned to the original motion as amended. The Director of the Student Advocate Service spoke against the policy saying it undermines the Student Employment Policy currently covering undergraduate and student employees.

The President of the Council of Graduate Students (COGS), speaking on behalf of its Executive Committee, commended the Review Committee for its work and said that while the COGS supports the policy, it is concerned that the costs of arbitration, even though they are shared equally with the administration, will prove to be a disincentive to students in filing grievances. She encouraged review of this feature of the policy.

Motion 1 was then approved without debate;

Motion 2 was approved as amended; and

Motion 3 was approved without debate.

APPROVED

VI. SENATE CONSULTATIVE COMMITTEE

Attendance Policy

Action

MOTION 1:

To amend the Senate Constitution, Article III, Section 5, Removal for Neglect of Meetings, as follows (language to be deleted is ~~struck out~~):

5. Removal for Neglect of Meetings

...

- b. A member of the Faculty Senate shall forfeit membership by neglecting three consecutive meetings of the University Senate. A member of the Student Senate shall forfeit membership by neglecting two ~~consecutive~~ meetings of the University Senate.

MOTION 2:

To amend the Senate Rules, Article III, Section 3, Terms of Membership, Chairing of Committees, and Removal of Members for Neglect of Meetings, as follows (language to be deleted is ~~struck out~~; language to be added is underlined):

3. Terms of Membership, Chairing of Committees, and Removal of Members for Neglect of Meetings

...

A member of a committee of the Senate shall be said to have neglected a meeting if the member does not attend and does not notify the chair of the impending absence. A non-student member of a committee of the Senate shall forfeit membership by neglecting three consecutive meetings of the committee for which notification was given. A student member of a committee of the Senate shall forfeit membership by neglecting two meetings of the committee for which notification was given. A ~~student~~ member whose membership has been forfeited may appeal to the ~~Student Committee on Committees~~ appropriate appointing authority for reinstatement.

COMMENT:

The student members of the Senate Consultative Committee have asked that these changes be made in order that they be able to remove students who attend meetings only sporadically, but who, under the present rules, cannot be removed from their position because they do not miss a sufficient number of consecutive meetings. The proposed language provides that missing any two Senate meetings, or any three committee meetings, will be grounds for removal.

MARIO BOGNANNO, Chair
Senate Consultative Committee

DENISE TOLBERT, Chair
Student Senate Consultative Committee

DISCUSSION:

Ms. Denise Tolbert, Chair of the Student Senate Consultative Committee, presented the two motions to amend the Senate policies regarding attendance both for Senate and committee meetings. The motions, she said, were being presented at the request of the students to tighten the attendance requirements so that students with inconsistent attendance could be replaced.

Motion 1 failed to receive the required 152 affirmative votes necessary for constitutional amendments and will be represented at the next regular meeting of the Senate.

Motion 2 was approved by a simple majority.

**MOTION 1 NOT APPROVED
MOTION 2 APPROVED**

VII. PRESIDENT'S REPORT

President Hasselmo announced with regret the resignation of Dr. Robert Anderson, Vice President of Health Sciences. Dr. Anderson, he said, has decided to step down from his administrative duties and resume the activities he enjoys most--teaching, research, and the practice of medicine. He will continue in his vice presidential position until August 11, 1993, at which time he will assume a faculty position in the Medical School. Dr. Anderson, the President said, has made a significant contribution in the strategic planning effort for the health sciences and will continue his work in the area of private practice plans for each of the health science units.

ALG continues to be a matter of public concern, the President said, and because of the duration and severity of the problems, recent decisions were made to remove the ALG program from the Department of Surgery and to change the administration of that department. The action was taken with regret, the President said, because it required asking for the resignation of an outstanding member of the University community. A truly outstanding Medical School has had its reputation questioned because of a few grave, but nevertheless relatively isolated problems, and it is important, President Hasselmo said, to deal with the problems and let the excellence of the Medical School be clearly presented to the citizens of Minnesota and the country.

Another important issue facing the University is the budget. The President had the opportunity to meet with the Governor to review budgetary issues and, while he had no indication that resources would be plentiful, he believes the University is getting a good hearing--that the Governor understands that the faculty, staff, and students really are trying to achieve even greater effectiveness, and that the University is a very productive university and needs to be preserved. The University is making the point that it is changing where necessary, that it is an accountable institution and one that is critically important not only to the economic development of the State of Minnesota but to many other aspects of life in Minnesota as well. The University has reminded legislators that it has participated in solving the State's fiscal difficulties by accepting a salary freeze in the first year of the biennium and should not have to endure another one.

Turning next to the tuition issue, President Hasselmo told Senators, that the University has made it very clear to the Governor and to legislators that it cannot continue with double-digit tuition increases. The subject is extraordinarily complex in that it involves federal and state financial aid programs and the University's individual program. With the assistance of task forces from each campus, the University is trying to establish a more clearly defined set of tuition policies.

The University is also working to establish effective networks of communication throughout the institution. Each unit has identified a representative to serve as its liaison to communicate budget and other issues important

in the legislature directly to Mr. Jim Lewis, Special Projects Coordinator in the President's Office. Additionally, the Alumni Association has an individual working to create networks of alumni who can communicate University concerns and issues to their legislators. Professor Virginia Gray, Faculty Legislative Liaison, and Martin Conroy, Student Legislative Liaison are also working hard at the legislature on behalf of their constituents. Any questions may be directed to Mr. Jim Lewis (612-626-1616) or Ms. Donna Peterson, Director of State Relations (612-624-2855).

Lastly, President Hasselmo told Senators he recently appeared before the Higher Education Coordinating Board to discuss the proposal to offer selected four-year programs at the Crookston campus. There was strong support, he said, from the community colleges and technical colleges.

VIII. QUESTIONS TO THE PRESIDENT

Question:

Students are routinely excluded from membership on review teams assembled to evaluate administrative areas that provide services which directly affect them. Although there are exceptions to this exclusion, such exceptions usually occur only after students have voiced a long and loud protest. Frequently, student participation is limited to providing testimony at a forum or luncheon. Is it unreasonable to expect representation on review teams such as these? If so, what should students do to secure representation on task forces and review teams that clearly concern and involve them? Would you support a general policy that required the placement of staff, faculty, and/or students on any future review committees evaluating areas that directly affect them?

Response:

President Hasselmo responded that he is in favor of and has promoted the participation of students on review committees. Students have recently served on the committees reviewing the chancellors of the Duluth and Crookston campuses and students are being appointed by Vice President Infante to review committees for the Vice President for Student Affairs; the Vice President of Agriculture, Forestry, and Home Economics; the Vice President for Arts, Sciences and Engineering; and the Director of Women's Intercollegiate Athletics. Vice President Infante, he said, is considering possibilities for ensuring student representation on review committees.

IX. SENATE CONSULTATIVE COMMITTEE REPORT

Professor Mario Bognanno, Chair, Senate Consultative Committee (SCC), reported that budget and planning issues have occupied a large portion of the SCC's time this year and both faculty and student members have been working diligently on these and other issues. Other Senate committees are working equally hard, he said, and mentioned just a few of the issues being addressed:

- supercomputing, accountability, and management issues (Faculty Consultative Committee)
- credits and contact hours, and teaching evaluations (Educational Policy Committee)
- responding to the report of the Select Committee on Gay, Lesbian and Bisexual Concerns (Faculty Affairs and Educational Policy Committees)

At the most recent meeting of the Faculty Consultative Committee, Professor Bognanno said, a resolution was adopted which the committee asked to be shared with the Senate. It read:

Resolution

BE IT RESOLVED THAT:

The Faculty Consultative Committee, the only University-wide elected faculty

committee, supports President Nils Hasselmo in his decision to require managerial accountability by changing the administration of the Department of Surgery, removing the ALG program from the Department of Surgery, and reviewing the Medical School's structure and management practices.

FURTHERMORE, BE IT RESOLVED THAT:

The Faculty Consultative Committee appreciates Dr. John Najarian's decades of leadership as a world-renowned teacher, scientist and surgeon. Dr. Najarian's life-long commitment to academic excellence will continue to reflect positively on the Medical School and the University's student and scientific communities.

Professor Bognanno invited Mr. Martin Conroy to read a similar resolution adopted by the Student Senate earlier in the day.

President Hasselmo thanked the faculty and students for their show of support both in recognizing Dr. Najarian for his outstanding contributions and at the same time recognizing the need for managerial changes.

Lastly, Professor Bognanno commended the University Grievance Review Committee for its outstanding work in developing the recently approved University Grievance Policy and to Professor Fred Morrison who has labored beyond the call of duty as the University's Grievance Officer during the last year. The Senate joined Professor Bognanno in a warm round of applause for the committee and Professor Morrison.

**X. RESEARCH COMMITTEE
Annual Report, 1991-92**

The Research Committee addressed a number of issues during the 1991-92 academic year.

Policies and Procedures for Dealing with Academic Misconduct. The Committee reviewed several revisions of this policy throughout the academic year. In April, the Committee approved the final draft and forwarded it to the Senate Consultative Committee. The Faculty Senate approved the Policy and Procedures at the May, 1992, meeting.

Department of Environmental Health and Safety. The Committee reviewed materials related to the centralized purchasing and receipt of radioactive materials. The Committee invited Fay Thompson, Director, Environmental Health and Safety and Paul Tschida, Director, Safety and Health Management, to a meeting to discuss the proposed charge for purchase of radioactive materials. It was reported at that meeting that the Research Executive Council recommended that the proposed charge be covered by ICR funds.

Funding for the Graduate Research Advisory Committee. The Committee considered the issue of funding for the Graduate School Grant-in-Aid of Research, Artistry and Scholarship Program. The Acting Dean of the Graduate School, Dr. Walter Weyhmann met with the Committee to review its past history of funding. The Committee voted unanimously to write to Senior Vice President Infante concerning the funding situation for the Graduate School Research Fund and to request that \$300,000 be added to the base of the Grant-in-Aid Program. Vice President Infante informed the Committee that the request had been agreed upon.

Indirect Cost Recovery. The Committee reviewed during the year materials relative to Indirect Cost Recovery prepared by Professor Mark Brenner. The Committee met with Senior Vice President Infante to discuss the use of ICR funds.

Research Collaboration/Academic Freedom. The Research Committee coordinated a panel discussion with several administrators and faculty within the Health Sciences to discuss research collaboration. Considerable discussion was given to the concept fostering institutional collaborative research in a positive sense.

Miscellaneous. Members of the Committee were invited to meet the finalists for the position of Vice President for Research and Dean of the Graduate School. The Committee discussed the issue of climate for research

in the University's many academic units.

Special thanks are extended to Professor Mark Brenner for his assistance.

IRWIN RUBENSTEIN, Chair
Research Committee

XI. SOCIAL CONCERNS COMMITTEE

Annual Report, 1991-92

1991-92 was the first year that the Committee operated under the "Guidelines for Annual Review of Major Social Issues." Those Guidelines authorize the Committee to "Annually provide a mechanism for identifying researching, and recommending specific action on one or more issues determined to be of overriding concern to the University and the broader social community." Regrettably there was no issue that galvanized a majority of the committee to study an issue in depth.

From the myriad number of shareholder resolutions, committee volunteers considered seven shareholder resolutions and then recommended to the full committee how the University should vote on selected issues. In the absence of a quorum, the Committee's advisory recommendation was unofficial.

After receiving no reply to the passage of an ROTC resolution that was passed by the Senate on February 14, 1991 the Committee adopted the attached resolution. It was rejected by the Consultative Committee.

Throughout the year the Committee received reports from the Select Committee on Gay, Lesbian and Bisexual Concerns since that committee officially reports to us. The Committee found progress of the Select Committee to be satisfactory, especially given the time required to provide funding.

The Committee continued to be burdened by poor attendance. As a result the Committee lacked a quorum and needed to resort to a mail ballot to conduct its business. The Chair believes the Committee will not be able to complete its business without the active participation of the Committee membership.

NORMAN BOWIE, Chair
Social Concerns Committee

XII. OLD BUSINESS

NONE

XIII. NEW BUSINESS

NONE

XIV. TRIBUTE TO DECEASED MEMBERS OF THE UNIVERSITY COMMUNITY

FACULTY

CHANGHEE CHAE
1933-1992

Dr. Changhee Chae, 59, associate professor of economics at the University of Minnesota, Morris, passed

away on Friday evening, November 13, in Minneapolis. Memorial services were held for him at Roseville Memorial Chapel in the Twin Cities on Sunday, November 15; at the Korean Presbyterian Church in Brooklyn Center on Tuesday, November 17; and at the University of Minnesota, Morris on Wednesday, December 2.

Born June 4, 1933, in Pyongyang, Korea, Dr. Chae earned a bachelor of science degree in economics from Wilkes College in 1962, followed by the Ph.M. and Ph.D. in economics in 1974 and 1984 from Columbia University. He served as a research economist for Koverseas, Ltd., and taught at several colleges in the greater New York Metropolitan area before joining the University of Minnesota, Morris faculty in the business-economics discipline in 1977.

From 1986 to 1988 he was on leave, participating in the ITM/MUCIA Indiana University Cooperative Program in Malaysia. He received tenure in 1985 and was promoted to associate professor in 1990. Throughout his career at UMM, he gave outstanding service to the campus, to this region, and to his profession. As the discipline coordinator, he was instrumental in the design of a business-economics program appropriate for a liberal arts college. He consistently served on important committees such as the Campus Resources and Planning Committee, and all-University Senate Committee on International Education.

His outreach projects assisted the regional public television station, two hospitals, the Stevens County Economic Improvement Commission, the Morris Area Chamber of Commerce, and the West Central Minnesota Initiative Fund. He was a reviewer of articles for the International Economics Journal, and was active in several professional groups, including the International Atlantic Economic Conference. Chae authored numerous articles in such journals as the International Economics Journal, Review of Business, Pan Pacific Conference Proceedings, and Atlantic Economics Journal.

Chae is survived by his wife, Eleanor; daughters, Helen, Irene, and Karen; son, Richard; and sister, Sylvia, of Philadelphia, PA.

The family requests that memorials be sent to the Changhee Chae Memorial Fund, University of Minnesota, Morris, 312 Behmler Hall, Morris, MN 65267-2113.

THOMAS J. FITZGERALD
1943-1992

On June 11, 1992, with the passing of Thomas J. Fitzgerald, Ph.D., the Department of Medical Microbiology and Immunology and students in the medical school on the Duluth campus lost a dedicated teacher, colleague and the scientific world, a distinguished experimental bacteriologist.

Tom received his Ph.D. degree in 1971 from Loyola University in Maywood, IL, documenting the biological effects of steroids on the bacterium *Staphylococcus aureus* and the resulting host response. Post-doctoral studies at Harvard University School of Public Health and at UCLA with Dr. James Miller established his reputation as an innovative and respected investigator in the field of experimental treponematology. During this period he described for the first time the dynamics of interaction of *Treponema pallidum*, the causative agent of syphilis, with mammalian cell monolayers in vitro. For these innovative studies, Tom was awarded the American Venereal Disease Achievement Award for originality and research excellence directed toward the control of sexually transmitted diseases.

In 1974 Tom joined the University of Minnesota, Department of Microbiology in the Twin Cities working in the laboratory of Dr. Russell Johnson. During the next 4 years, he expanded our knowledge of the nutritional, environmental and electron microscopic structure of the interaction of the treponemes with mammalian cells. In 1978, we were fortunate to have Tom join our faculty here in Duluth. He established an enviable record as a productive researcher, and rose rapidly to the rank of full professor in 1985. In addition, Tom was a respected teacher, dispensing his vast knowledge of bacteria and common sense to medical and other students over a 14 year period. Attesting to his efficacy, was the receipt of Honorable Mention as Teacher of the Year award in 1991-1992. Of importance was Tom's capacity to encourage and collaborate with colleagues. He was an inspirational leader who impacted on several different disciplines in the medical school and whose advice was often sought. His research efforts to understand the principles of *Treponema pallidum* pathogenicity in order to more rationally permit the design of an effective vaccine for syphilis culminated in his recognition that interference with this organism's inordinate capacity to induce down-regulation of the immune response would permit effective vaccination to take

place. This he proved in rabbits, and the stage is now set for the first time for refinement and development of a vaccine for human beings based on this principle.

In April 1991 on his return from a conference in Airlie House, VA, where he had presented his findings to a laudatory audience of scientific peers, he went in for a medical check-up. In the previous months, Tom had suspected he didn't have his old stamina in playing hockey, a hobby for which he was an avid enthusiast and excelled. Upon the diagnosis of non-Hodgkin's lymphoma, Tom faced this upcoming dilemma with his characteristic spirit, continuing his research and teaching without missing a beat until his death.

Tom is survived by his wife, Marynoelle and 3 children, Sarah, Thomas and Tessa. We shall all miss his influential impact on our respective lives.

PHYLLIS S. FREIER
1921-1992

Professor Phyllis StCyr Freier died at home on Friday the 18th of December, 1992, after a long struggle with Parkinson's Disease. Phyllis had a long and fruitful association with the University of Minnesota. She received her B.S. Degree from the University in 1942, her M.A. in 1944 and, after a stint at the Naval Ordnance Laboratory from 1944 to 1947, her Ph.D. in physics in 1950. Her thesis title was "The Heavy Component of the Primary Cosmic Radiation" and was based on the discovery made by her and her colleagues, of the presence of heavy nuclei in the cosmic radiation*. To her went the thrill of being the first person to actually see the track of a heavy cosmic ray nucleus passing through a nuclear emulsion. This demonstration of the close relation between ordinary matter and that in the cosmic radiation remains one of the key discoveries in astrophysics. It solved many of the problems vexing cosmic ray physics at the time. To quote K. K. Darrow (secretary of the APS at the time) "We used to think that cosmic rays were the death cries of the elements, and now we know they are the elements themselves".

Phyllis went on to establish an international reputation as a cosmic ray physicist and an expert on the application of nuclear emulsions to a diversity of problems in astrophysics and physics. She and her colleagues studied the nature and composition of the primary cosmic radiation, looked for high energy gamma ray sources, investigated the production of energetic solar particles and the effects of solar modulation on the primary radiation. In later years she was involved with the use of emulsions to investigate the phenomena that occur during the interactions of relativistic heavy nuclei with other heavy target nuclei. She continued to display a keen interest in these topics till the day of her death. In 1988 there was an international conference on the cosmic abundance of the elements to commemorate the fortieth anniversary of the discovery**. After her discussion on how the discovery was made, Phyllis was presented with a bouquet of forty red roses by her first Ph.D. advisor, Edward Lofgren, in recognition of her life long contribution to science.

She played an important role in the national scene, being an early Chairman of the Cosmic Physics Division of the APS and later serving as a Divisional Councilor of the APS and on several APS and NASA committees. At the time she served her University in many capacities on Senate and College committees. She was a member of the Senate in 1978-79 and again from 1981-85. She served on the Senate Judicial Committee from 1975-76 and was chair 1978-79. She also served on the Senate Consultative Committee 1983-85. She chaired the University Sexual Harrassment Committee from 1980-82 and was on the Internal Review Committee for Women's Intercollegiate Athletics during 1980-81. At the College level she served on the I.T. Consultative and Appeals Committee, the Grievance Committee and the Planning Committee, as well as on the CLA Consultative Committee.

Phyllis proved to be an inspired and dedicated teacher once the nepotism rules were relaxed to allow her to play such a role. She devoted a great deal of time and effort to her undergraduate classes; efforts which were appreciated by the students, who typically would give her standing ovations, and by the University, which bestowed on her most of the awards for excellence in teaching. Further, she was a role model and mentor to generations of graduate and undergraduate students, many of whom have gone on to take their own distinguished places in science and society.

* P.S. Freier, E.J. Lofgren, E.P. Ney, F. Oppenheimer, H.L. Bradt and B. Peters; Phys. Rev. 74, 214 (1948)

** "Cosmic Abundances of Matter", AIP Conf. Proc. 183, 1989

She is survived by her husband, George, her children, Susan and David, and a granddaughter, whose birth gave her great joy. She is sorely missed by her family and all who came into contact with her; especially her students, colleagues and many friends.

ROBERT E. MOORE
1919-1992

Robert E. Moore, 72, professor emeritus at the University of Minnesota and former chairman of the Department of English, died Tuesday, December 29, 1992, at Presbyterian Homes in Arden Hills. He had suffered from Alzheimer's disease for several years.

Moore specialized in 18th-century literature and taught classes in Shakespeare, modern theater, poetry and the novel. He was a scholar, a bonvivant, operaphile and counselor to his many friends, according to Clyde Reedy, who was one of them.

Moore was born and raised in Virginia and graduated from Washington College in Chestertown, MD. He received a doctorate in English from Yale University in 1946. He joined the Department of English at the University of Minnesota later that year.

A course he taught on Shakespeare was broadcast in the early days of television and attracted a wide audience. He was equally comfortable in the classroom discussing the music of Purcell, the tragedy of "Anthony and Cleopatra" or the pistols of Hedda Gabler, his friends said.

Moore published two books, *Henry Purcell and the Restoration Theatre* (1961; 1974) and *Hogarth's Literary Relationships* (1948; 1969). As their subjects indicate, however, he was passionately interested both in theater and in the visual arts. Because his interest in music was equally strong, opera was for him the greatest art form, presenting, as he loved to put it, "the whole *tout ensemble!*" Moore served the Department of English as director of graduate study (1967-69) and chairman (1969-71) and as a loved and honored teacher of undergraduate and graduate students alike. Happy as he was in the classroom, Moore was even happier when the Metropolitan Opera Company came each spring to Northrup, for then he "walked" the curtain out and back and could listen, from the wings, to words made gloriously into music. His record collection was naturally known.

He retired in 1983 and lived in Minneapolis until he moved to the nursing home two and a half years ago. He is survived by a brother, John Moore, of Kingsport, TN. A memorial service was held on January 13, 1993, at 3:30 p.m., in the Nolte Center at the University of Minnesota.

WALTER T. PATTISON
1903-1992

Walter T. Pattison, Professor Emeritus of Spanish language and literature in the Department of Spanish and Portuguese at the University of Minnesota, died April 27, 1992.

He was born in Chicago, Illinois, January 5, 1903. His lifelong interest in and dedication to the Romance languages and literatures began at Harvard University where he received the undergraduate, M.A. and Ph.D. degrees. His doctoral dissertation on the life and works of the Provençal poet Rambaut d'Orange, (a published edition of which remains a classic), initiated a regimen of research and scholarship that would remain with him throughout his career and would continue unabated into his retirement.

A distinguished scholar and innovative teacher, Walter Pattison was a professor of Romance languages and literatures on the faculties of Wesleyan University from 1929-1938, and of the University of Minnesota from 1938 to his retirement 34 years later in 1972.

Articles and reviews of Walter Pattison's early literary research reflect a diversity of interests in the literatures of the Romance languages, the Provençal troubadours in particular. His later publications and teachings centered primarily on the literature of nineteenth century Spain. In his books and articles and with his students in his popular and much esteemed seminars, he examined and critiqued the works of the foremost writers of the second half of that century: Perez Galdos, Pardo Bazan, Valera and others. Walter Pattison's studies of the writers, the literary currents of that period and his incisive analysis of the literary creative process, constituted and are an enduring

contribution to Spanish literary criticism.

Early in his teaching career Walter Pattison began work on study materials designed to accelerate college students' acquisition of the foreign language skills needed to read and appreciate literary works in the original language. Two textbooks he developed to address these issues were published after he joined the faculty of the ten Department of Romance Languages of the University of Minnesota in 1938. Both his intermediate Spanish reader and his Representative Spanish Authors, a first course in Spanish literature, were widely used for college students around the country. The latter continues as a standard introductory textbook in many college programs.

Walter Pattison served as Chair of the Department of Romance Languages, and of the Department of Spanish and Portuguese at the University of Minnesota and was active in language and literature professional organizations. He was an officer of the American Association of Teachers of Spanish and Portuguese.

He was preceded in death by his wife Marion Henry Pattison, Spanish instructor at Macalaster College, his collaborator in research and in many of his publications, and his companion on his frequent study tours of the Hispanic world. They are survived by daughters Sarah, Deborah, Martha, son George and grandchildren.

MURRAY D. ROSENBERG

1929-1992

We announce with sadness that our friend, mentor, and colleague, Murray Rosenberg, died at his home in St. Paul, Minnesota on Monday, January 4, 1993 after a long illness.

Murray, 67, had been an active researcher until a few months ago, most recently working on projects addressing the competitive symbioses among three mycorrhizal species colonizing field corn, funded by the USDA and studying the ATPase activities in focal and experimental epilepsies, funded by the VA in conjunction with UCLA. He was a dedicated teacher and adviser, and was a recent recipient of the Gordon L. Starr award for outstanding service to students and the Stan Dagley Teaching Award in the College of Biological Sciences.

Faculty, staff and students in Murray's department, Genetics and Cell Biology, have established a Rosenberg Scholarship Fund. Contributions, payable to the University of Minnesota, may be sent to Rosenberg Scholarship Fund, Genetics and Cell Biology, University of Minnesota, 250 BioScience Center, 1445 Gortner Avenue, St. Paul, MN 55108.

SHIRLEY W. THENEN

1935-1993

Shirley Warnock Thenen, professor of nutritional biochemistry in the Department of Food Science and Nutrition, University of Minnesota since 1984, died of cancer on January 17, 1993.

She earned a B.A. in biochemistry/microbiology and a Ph.D. in nutritional biochemistry from the University of California/Berkeley. Following a postdoctoral fellowship at the Harvard University Medical School, she was an associate professor in the School of Public Health, Harvard University, from 1972 to 1984. In 1984 she became a professor at the University of Minnesota.

Her research specialty was folic acid. She did extensive studies on folic acid deficiency using non-human primates and rats as models, and on the biological activity of vitamin B¹² in dairy products and mushroom. While at Harvard, she also published a number of studies on carbohydrate metabolism in obese rodents.

Thenen served on many departmental and college committees; was a member of the editorial boards of The Journal of Nutrition and Nutrition Research; and worked on the legislative network, Borden award jury, and other American Institute of Nutrition committees.

She held membership in numerous professional societies, including the American Institute of Nutrition, Federation of American Societies for Experimental Biology, Gerontological Society of America, Society for Experimental Biology and Medicine, Society for Nutrition Education, and North American Mycological Society.

Shirley Thenen is survived by her husband, Allan; a son, Matthew; a daughter, Anna Preiner; and a granddaughter, Chelsea Shirley Preiner.

STUDENTS

DONALD H. BURT

RICHARD E. DUPUY

JAMES M. D'VALLE, JR.

MICHAEL H. LEHMAN

XV. ADJOURNMENT

The meeting was adjourned at 4:05 p.m.

Martha Kvanbeck
Abstractor

FEBRUARY 18, 1993

The third meeting of the Faculty Senate for 1992-93, was convened in 25 Law Building, Minneapolis campus, on Thursday, February 18, 1993, at 4:15 p.m. (immediately following the Twin Cities Campus Assembly meeting). Coordinate campuses were linked by telephone. Checking or signing the roll as present were 128 voting faculty members. President Nils Hasselmo presided.

I. MINUTES FOR NOVEMBER 17, 1992, AND DECEMBER 10, 1992

Action

APPROVED

II. FACULTY CONSULTATIVE COMMITTEE
FACULTY AFFAIRS COMMITTEE

Faculty Compensation Policy

Action

MOTION:

That the Faculty Senate adopt the following report, as amended: [the following is the final amended version]

FACULTY COMPENSATION POLICY

Background on Compensation at the University of Minnesota. Faculty are compensated for their contributions to teaching and advising, research and scholarship, and service to the institution and the state/region/nation/other nations, as well as their professions. Total compensation includes annual base salary plus fringe benefits, including retirement, health and dental coverage, and life and disability insurance. In some instances, annual base salary is augmented through internal sources, such as overload teaching, or from external sources in the case of approved external consulting.

Initial annual base salary is negotiated at the time of hire, with floors established for the instructor and assistant professor ranks only. Increases to annual base salary for faculty occur in the following ways: through annually determined merit increases; through acceptance of a retention offer that includes an increase; in conjunction with a promotion in rank and/or the awarding of indefinite tenure; through an augmentation attached to an administrative title or a set of administrative duties. For many faculty, annual base salary is supplemented with summer school or other internal summer employment, such as grant research. Annual base salary may also be supplemented internally during one's contract period through means such as extension teaching. Normally, new salaries go into effect for A base faculty on July 1 and for B base faculty on September 16 of each year.

The salary determination process must provide an objective unbiased evaluation of each faculty member following a thorough review of his/her work. The process must encourage continued good or improved performance, which in turn, should be rewarded by the compensation system.

Criteria for Annual Salary Increases and Promotion. Any salary determination process at the University of Minnesota must be nondiscriminatory. Initial salary offers, periodic increases, and retention offers may not be based on considerations related to the race, color, creed, religion, national origin, sex, sexual preference, marital status, public assistance status, veteran status, or age of the person being considered.

The criteria for determining salary increases must be similar to those used for promotion and tenure. The tenure and promotion regulations of the University, adopted in 1985, provide the following instructions which form the framework within which salary decisions must be made:

7.11 General Criteria. The basis for awarding indefinite tenure is the determination that the achievements of an individual have demonstrated the individual's potential to continue to contribute significantly to the mission of the University and to its programs of teaching, research, and service over the course of the faculty member's academic career. The primary criteria for demonstrating this potential are effectiveness in teaching and professional distinction in research; outstanding discipline-related service contributions will also be taken into account where they are an integral part of the mission of the academic unit. The relative importance of the criteria may vary in different academic units, but each of the criteria must be considered in every decision.

7.12 Departmental Statement. Each academic unit must have a document that articulates with reasonable specificity the indices and standards which will be used to evaluate whether candidates meet the criteria of Section 7.11.

Faculty Involvement.¹ Faculty input into the discussions surrounding criteria and procedures for salary increase determination is essential to maintaining an equitable and collegial environment. With the administrator of each unit, the faculty must have the opportunity to develop the criteria for, and the format of, the process through which annual salary increases are determined.² The documents that describe these criteria, formats, and processes shall be shared with the college dean, the appropriate vice president, and finally the Senior Vice President for Academic Affairs. This process must include the provision that the department chair (unit leader) meet with each faculty member individually, at least once per year, to review his or her performance. The sessions shall review the past year's performance and offer suggestions for enhancing productivity, where appropriate. Units may choose to conduct more in depth evaluations on a periodic basis (e.g. 4 or 5 years) that would include outside evaluations.

Allocation Format.³ Each year the annual salary increase pool for meritorious performance received by the unit will be distributed based on the criteria specified in the University's Regulations Concerning Faculty Tenure and appropriate departmental faculty evaluation documents.

Unsatisfactory performance, which shall be documented and communicated to the individual involved, shall serve as justification for withholding an individual's increase.

Promotion Increases. Beginning with the 1993-94 salary year, promotion from assistant professor to associate professor will be accompanied by an extraordinary \$1,500 increase in base salary and promotion from associate professor to professor will be accompanied by an extraordinary \$2,000 increase in base salary. It is intended that these promotional increments will be in addition to the annual salary increase award related to meritorious performance. The dean will set aside, from those funds provided to his/her unit for salary increase distribution, sufficient funds to cover these promotional increments. It is understood that the dean may also set aside funds from this overall pool to address special merit or retention purposes. It is intended that this promotion increment will receive inflation-related increases in future years.

Other Recommendations. A standing administrative and faculty compensation committee (including representatives of the Senate Faculty Affairs Committee) will examine and make recommendations on policies such as salary levels in the University as a whole, salary disparity among units, minimum salary levels for associate and full professors, and salary compression.

¹For the purposes of salary discussion and determination, the relevant academic unit is the departmental or budgetary unit, whichever is smaller.

²The process determined through consultation may include faculty participation in the judgements regarding compensation changes as a committee of the whole or through a salary committee consisting in whole or in part of elected members.

³No mention is made of a possible across the board component of compensation increase because it is assumed that no faculty input is required at the unit level for such increases.

COMMENT:

The Faculty Senate approved the Faculty Compensation Policy on May 21, 1992, and forwarded it to the President for disposition. Subsequent administrative consultation surfaced concerns in several areas. One major concern is the appropriate level of faculty involvement in the judgement of compensation changes. A second major concern relates to a perception that across the board increases are to be expected as a part of the annual compensation plan. One lesser concern addressed the funding and administration of promotion increases. To address these concerns, the administration has proposed new wording for the policy. In reviewing the changes, the Faculty Affairs Committee (SCFA) recommended adoption of the revised wording with the addition of an interpretation to the proposed policy statement (footnote 2) and the proposal of an amendment that would address an increased level of faculty involvement in the actual judgement of compensation changes. This amendment will be brought only for the purpose of ensuring appropriate discussion. It is not specifically endorsed by SCFA.

MARIO BOGNANNO, Chair
Faculty Consultative Committee

CARL ADAMS, Chair
Faculty Affairs Committee

DISCUSSION:

Professor Carl Adams presented the proposed amendments to the Faculty Compensation Policy. The policy, he reminded Senators was approved by the Faculty Senate on May 21, 1992, and subsequently forwarded to central administration for approval. The administration identified three areas of concern: 1) the level of faculty involvement in the salary determination process, 2) the language relating to across the board increases, and 3) the funding and administration of promotion increases.

On the first issue, Professor Adams said, the Faculty Affairs Committee (SCFA) and the Faculty Consultative Committee (FCC) endorsed the position that faculty must have the opportunity to develop the criteria for, and the format of, the process through which annual salary increases are determined, and that the process may include faculty participation in the judgements regarding compensation changes as a committee of the whole or through a salary committee consisting in whole or in part of elected members. This language is reflected in the Faculty Involvement section and under Footnote 2. A second option, and one which was discussed at the original Faculty Senate discussion of the policy, mandates faculty participation, and in order to ensure appropriate discussion of that option, the SCFA presented an amendment requiring such participation. The amendment, he noted does not carry the endorsement of either the SCFA or the FCC.

The second concern regarding across the board increases was resolved by incorporating Footnote 3 into the policy. Footnote 3, Professor Adams said, clarifies that no faculty input is required at the unit level for such increases, yet does not carry the implication that there will always be across the board increases.

The administration's third concern involved the funding and administration of promotion increases. The recommendation is that the funding source be changed from central administration to the colleges.

One Senator asked how the authors of the policy envision faculty participation in the salary criteria process as a faculty of the whole. Professor Adams responded that the policy specifies under the Faculty Involvement section that there will be discussion between the faculty and the department chairperson regarding the process and criteria and that documents describing such shall be shared with the college dean.

Attention was then turned to the amendment distributed by the SCFA. One Senator, speaking against the amendment, supported the more permissive language, noting that some faculty prefer not to participate in salary determinations. With no further discussion of the amendment, it was defeated on a voice vote.

The policy as presented was then approved.

APPROVED

III. FACULTY CONSULTATIVE COMMITTEE
Review and Evaluation of Academic Administrators
Action

MOTION:

That the Faculty Senate approve the following Resolution:

RESOLUTION

RECOMMENDATIONS TO THE SENIOR VICE PRESIDENT FOR ACADEMIC AFFAIRS REGARDING
POLICY AND GUIDELINES
FOR THE REVIEW AND EVALUATION OF ACADEMIC ADMINISTRATORS

On January 29, 1992, E.F. Infante, Senior Vice President for Academic Affairs, issued an academic personnel policy dealing with the review and evaluation of academic administrators. The policy, developed to ensure consistency in the performance reviews of administrators across the University, was reviewed and approved by faculty and academic professional and administrative governance committees, deans, and vice presidents. The Provost intended the policy to apply to all academic administrators (93xx classes) (see over) and to be followed in conducting the annual reviews during the 1991-92 academic year and thereafter.

This policy was reviewed by the Faculty Consultative Committee, which adopted the following recommendations to the Provost for revision of the policy. The FCC recognizes that because of inherent differences between units, the process and/or the frequency of review may differ between units of the University.

- 1) The policy should apply to all in the 93xx class.
- 2) Reviews and evaluations should be performed
-- annually;
-- in more detailed fashion periodically (e.g., every 3 years) for those on annual (K), limited (L), or fixed-term (J) appointments.
- 3) Every annual and periodic review and evaluation of an academic administrator should include, as one component, information from subordinates or persons with whom the person being reviewed generally interacts in the conduct of the unit's business. Timely notice of the review shall be given to the unit concerned.

Faculty should routinely participate in the review and evaluation of academic administrators in order to provide, on a regular basis, constructive information to the administrator being reviewed about the management of the unit, and to the administrator's superior about the administrator's job performance.

- 4) Every annual and periodic review and evaluation of deans, directors, and department heads and chairs should include, as one component, information from a representative (or randomly drawn) sample of peer faculty or from the entire faculty, particularly in the case of small departments.
- 5) Faculty evaluators should be guaranteed anonymity.
- 6) The questions to which faculty evaluators are asked to respond should be uniform across units and levels (with the addition of relevant unit-specific questions) to introduce an element of fairness and comparability across units and levels.
- 7) The more periodic, detailed reviews should include, where relevant, evaluations from individuals outside the University whose names are agreed upon by the administrator conducting the review and evaluation and the individual being reviewed and evaluated.

9301-9399 Academic Administrative

9301 President
9302 Vice President
9303 Associate Vice President
9304 Assistant Vice President
9305 Chancellor
9306 Associate Chancellor
9307 Assistant Chancellor
9308 Vice Chancellor
9309 Associate Vice Chancellor
9310 Assistant Vice Chancellor
9311 Dean
9312 Associate Dean
9213 Assistant Dean
9314 University Librarian
9315 Exec. Director and Corp. Secretary to the Board of Regents
9316 General Counsel
9317 University Attorney
9321 Controller
9322 Associate Vice Provost
9323 Assistant Vice Provost
9324 Assistant Provost
9325 Associate Provost
9326 Provost
9327 Senior Vice President
9328 Vice Provost
9330 Director (University-wide)
9331 Associate Director (University-wide)
9333 Assistant Director (University-wide)
9334 Director (Campus/College level)
9335 Associate Director (Campus/College level)
9336 Assistant Director (Campus/College level)
9337 Departmental Director
9338 Associate Department Director
9339 Assistant Department Director
9340 Program Director
9341 Associate Program Director
9342 Assistant Program Director
9343 Superintendent, Experiment Station
9350 Special Assistant
9351 Administrative Assistant (no new entry)
9352 Associate to
9353 Assistant to
9354 Coordinator
9360 Chair (with faculty rank)
9361 Head (with faculty rank)
9362 Director (with faculty rank)
9363 Library Division Head
9364 Waseca/Crookston Division Director
9365 Special Project Associate

MARIO BOGNANNO, Chair
Faculty Consultative Committee

DISCUSSION:

Professor Judith Garrard, member of the Faculty Consultative Committee (FCC), presented the Resolution, which she said was intended to be advisory to the Senior Vice President for Academic Affairs when reviewing academic administrators in the 93xx class series. The Resolution recommends annual reviews with more detailed reviews to be conducted periodically. Most importantly, she noted, the Resolution recommends reviews include information from subordinates or persons with whom the person being reviewed generally interacts, and from faculty when academic administrators are being reviewed.

One Senator asked whether the FCC had calculated the amount of time required to conduct annual reviews and how, between the strategic planning exercise, the faculty workload exercise, the curriculum review exercise, etc. etc., the FCC envisions faculty will find time for yet another time consuming task.

Professor Garrard responded that the FCC was very concerned about this aspect of the Resolution and discussed possible options, such as conducting a random sample of faculty rather than including the faculty as a whole. The FCC, however, felt the faculties need to have input in order to have accountability prevailed.

The Resolution was then approved on a voice vote.

APPROVED

IV. OLD BUSINESS

NONE

V. NEW BUSINESS

At this time a Senator asked for suspension of the rules to consider a resolution supporting President Hasselmo's recent management decisions relating to the ALG program. The motion to suspend the rules was approved and the following Resolution was considered:

RESOLUTION

BE IT RESOLVED THAT:

The Faculty Senate supports President Nils Hasselmo in his decision to require managerial accountability by changing the administration of the Department of Surgery, removing the ALG program from the Department of Surgery, and reviewing the Medical School's structure and management practices.

FURTHERMORE, BE IT RESOLVED THAT:

The Faculty Senate appreciates Dr. John Najarian's decades of leadership as a world-renowned teacher, scientist and surgeon. Dr. Najarian's life-long commitment to academic excellence will continue to reflect positively on the Medical School and the University's student and scientific communities.

With no discussion, the motion was overwhelmingly approved 79 to 4.

APPROVED

VI. ADJOURNMENT

The meeting was adjourned at 4:45 p.m.

**Martha Kvanbeck
Abstractor**

February 18, 1993

The third meeting of the Student Senate for 1992-93 was convened in 25 Law Building, Minneapolis campus, on Thursday, February 18, 1993, at 12:00 p.m. Coordinate campuses were linked by telephone. Checking or signing the roll as present were 49 voting student members. Mr. Thomas Lopez presided.

I. APPROVAL OF AGENDA

Action

The agenda was approved with one amendment.

APPROVED

II. MINUTES FOR NOVEMBER 17, 1992

Action

APPROVED

III. RESPONSE TO THE HIGHER EDUCATION COORDINATING BOARD DECISION TO CHANGE THE TUITION FORMULA

Resolution for Action

WHEREAS, The Minnesota Higher Education Coordinating Board approved a proposal to finance an increase in the State Grant Program for undergraduate students by reducing the proportion of taxpayer funds allocated directly to the public higher education systems; and

WHEREAS, this proposal would offset the reduction in public system funding through an increase in tuition at public institutions; and

WHEREAS, this proposal further differentiates the State of Minnesota from its reciprocity states and Manitoba in tuition levels and financial aid, and may therefore call into question reciprocity agreements in their present form; and

WHEREAS, this proposal's tuition increase may result in a loss of access to higher education by lower-middle and middle income students that is in excess of gains in access for lower income students; and

WHEREAS, this proposal violates the spirit of the University of Minnesota's Land Grant mission; and

WHEREAS, the University of Minnesota student government system firmly believes that rising tuition is a hardship that cannot continue to be imposed on the families of Minnesota students in future years, and that reduced state appropriation and increased tuition are the wrong choices for the future of our students and our citizens.

BE IT RESOLVED, that the University of Minnesota Student Senate emphasizes the need for the Minnesota Higher Education Coordinating Board to undertake a thorough analysis and evaluation of the effects and consequences of this proposal, and to consult with the other governance boards of Minnesota's higher education systems on tuition and public financial assistance policy.

BE IT FURTHER RESOLVED, that the University of Minnesota Student Senate convey to the Minnesota Higher Education Coordinating Board its opposition to the method of using tuition at public institutions to fund the State Grant Plan, and encourages the Minnesota Higher Education Coordinating Board and the public and private higher education systems to seek alternative sources of state and federal support to aid financially disadvantaged students.

DISCUSSION:

Mr. Lopez called on Ms. Rachel Paulose to present the Resolution to the Minnesota Higher Education Coordinating Board opposing the use of tuition at public higher education institutions to fund the State Grant Program. Ms. Paulose told Senators that the Higher Education Coordinating Board approved a proposal to take \$21.7 million from higher education to finance an increase in the State Grant Program that would result in a tuition increase of at least 9 percent at the University of Minnesota. This increase would be on top of any increase imposed by the University. Most of the money given through the State Grant Program, she said, goes to students attending private institutions.

The Resolution was then approved with no discussion.

APPROVED

IV. PROPOSED HARASSMENT TRAINING PROGRAM

Discussion

Anne Sales, member, Student Senate Consultative Committee, told Senators she believes there have been a number of misunderstandings about the sexual harassment training that the University has been offering in various colleges and the violence awareness training that was mandated by the Legislature last year. To her knowledge, these training programs are unrelated. She encouraged those interested in participating in the violence awareness training to contact her.

V. PROPOSED STUDENT SENATE BYLAWS TO THE UNIVERSITY STUDENT SENATE

Discussion

Sonja Hoheisel, member, Student Senate Consultative Committee, reported that Senators should have received a proposed document entitled Student Senate Bylaws to the University Student Senate and encouraged students to contact her with comments and/or questions.

One Senator questioned the Student Senate's authority to amend the Constitution and recommended the document be revised to distinguish between those items it has the authority to amend and those it does not.

It is the intent of the Working Group that the document be presented to the Student Senate and University Senate at its April 1 meetings.

VI. SENATE CONSTITUTION, BYLAWS, AND RULES AMENDMENTS

Action

MOTION 1:

To amend the Senate Constitution, Article III, Section 5, Removal for Neglect of Meetings, as follows (language to be deleted is ~~struck out~~):

5. Removal for Neglect of Meetings

...

- b. A member of the Faculty Senate shall forfeit membership by neglecting three consecutive meetings of the University Senate. A member of the Student Senate shall forfeit membership by neglecting two ~~consecutive~~ meetings of the University Senate.

MOTION 2:

To amend the Senate Rules, Article III, Section 3, Terms of Membership, Chairing of Committees, and Removal of Members for Neglect of Meetings, as follows (language to be deleted is ~~struck out~~; language to be added is underlined):

3. Terms of Membership, Chairing of Committees, and Removal of Members for Neglect of Meetings

....

A member of a committee of the Senate shall be said to have neglected a meeting if the member does not attend and does not notify the chair of the impending absence. A non-student member of a committee of the Senate shall forfeit membership by neglecting three consecutive meetings of the committee for which notification was given. A student member of a committee of the Senate shall forfeit membership by neglecting two meetings of the committee for which notification was given. A ~~student~~ member whose membership has been forfeited may appeal to the ~~Student Committee on Committees~~ appropriate appointing authority for reinstatement.

COMMENT:

The student members of the Senate Consultative Committee have asked that these changes be made in order that they be able to remove students who attend meetings only sporadically, but who, under the present rules, cannot be removed from their position because they do not miss a sufficient number of consecutive meetings. The proposed language provides that missing any two Senate meetings, or any three committee meetings, will be grounds for removal.

DENISE TOLBERT, Chair
Student Senate Consultative Committee

DISCUSSION:

Denise Tolbert, chair, Student Senate Consultative Committee, told Senators the two motions relating to student attendance at Senate and committee meetings will be presented to the University Senate later in the afternoon and appear for action on the Student Senate agenda in order that the students bring a unified voice to the full Senate.

In response to a question relating to appropriate notification of an impending absence, Ms. Tolbert responded that Senators or committee members need to notify either the Senate office or the committee chair by phone, e-mail, or in writing if they cannot attend a meeting.

Another individual suggested that the rules on attendance be the same for both the Student Senate and the University Senate or that separate attendance sheets be available at these meetings rather than the combined sheet that is now the practice.

With no further discussion, both motions were approved.

APPROVED

**VII. "IT'S TIME MINNESOTA"
Inclusion of "sexual and/or affectional orientation" in the
Minnesota Civil Rights Statute
Resolution for Action**

DISCUSSION:

Denise Tolbert asked the Student Senate to adopt a Resolution supporting the Minnesota House of Representatives' draft of a Human Rights Bill on sexual or affectional orientation that, if approved, would add

"sexual or affectional orientation" to the categories covered by the Human Rights Act. The Resolution, Ms. Tolbert added, has received endorsement from the Student Consultative Committee.

One Senator questioned the appropriateness of the Student Senate of the University of Minnesota taking action on an issue before the Minnesota House of Representatives, and objected to the body participating in the "normalization of behaviors which are both defined as deviant by society and criminal by the legal system."

Another individual speaking in support of the Resolution said it is important for students to demonstrate to the community and to the State that discrimination is not acceptable in any form.

A Senator from Morris encouraged the Student Senate to focus on issues important to the University of Minnesota and to "pick its battles carefully."

In the 1960's, another Senator noted, the University took a stand on the Vietnam War, and more recently on the ROTC issue. The Human Rights bill affects all citizens of the State of Minnesota and, therefore, she argued it is appropriate for the students at the University of Minnesota to voice an opinion on it.

A Resolution supporting the Minnesota House of Representatives Human Rights Bill to add "sexual or affectional orientation" to the categories covered by the Human Rights Act was then approved 25 to 14.

APPROVED

VIII. RESOLUTION TO PROMOTE SERVICE-LEARNING Action

RESOLUTION TO PROMOTE SERVICE-LEARNING

WHEREAS, service-learning is the process of integrating community and public service with reflective learning, and is founded on the principle that there is much outside the classroom which can contribute to an education, and;

WHEREAS, The University of Minnesota has had experience on its own campus with service-learning programs, and;

WHEREAS, service-learning provides students with hands on learning styles, broadens students awareness of social issues and fosters a sense of civic responsibility and social justice, and;

WHEREAS, incorporating service-learning into selected classes introduces students to a plethora of experiences relevant to a theme being studied in class, which deepens the understanding and provides an academic environment in which students can relate their textbook lessons to actual experiences, both through papers and discussions, and;

WHEREAS, a service-learning class can be tailored to almost any department, and has been adapted to such various fields as sociology and architecture, and;

WHEREAS, a service-learning class would NOT be required for graduation, and is to be offered only as an elective, but in several cases have fulfilled pre-existing requirements of a college, and;

WHEREAS, the passage of the National Youth Service Act of 1991 by the federal government provides \$5 million in grants to universities and colleges to help establish service-learning opportunities, and;

WHEREAS, the University of Minnesota has resources available through the Office of Special Learning Opportunities (OSLO) which can aid in the development of service-learning classes, and;

WHEREAS, the University of Minnesota administration has expressed the value of service-learning by making recommendations to implement such classes in the report by the Council on Liberal Education, and the

University of Minnesota is an official member (President Hasselmo serving as the campus member) of Campus Contact, a national organization which promotes service-learning across the nation's universities and colleges;

NOW THEREFORE, BE IT RESOLVED that the University of Minnesota Student Senate supports a movement to actively integrate service-learning into appropriate classes offered by the University of Minnesota, and encourages faculty and departments to develop service-learning classes.

DISCUSSION:

Mr. Ralph Leonard, presenter of the Resolution, told Senators that President Clinton had recently requested a series of special hearings called the "Regional Hearings on National and Community Service," to discuss the concept of bringing community-service into classrooms. One of the hearings was held in North High School in Minneapolis. The concept behind service-learning is that students should not only study problems but learn and become part of the solutions by integrating community and public service with classroom education.

A service-learning class is currently offered through the Department of Independent Study, Mr. Leonard said, where students are learning about illiteracy through their work in inter-city schools. The intent of the Resolution is to encourage a more active role by the University in integrating service-learning into appropriate classes and encouraging faculty and departments to develop service-learning classes.

With no discussion, the Resolution was approved.

APPROVED

IX. STUDENT LOBBY ADVISORY COMMITTEE REPORT

Mr. Love Goel reported that the Student Lobby Advisory Committee (SLAC) has been very active meeting with legislators, including Senator Larry Pogemiller, Chair of the Senate Education Committee, and AFSCME lobbyists. Believing that it is important to unite the student voice at the Legislature, SLAC has taken steps to meet and discuss issues with different organizations, including MSUSA.

The four legislative priorities for 1993-94, Mr. Goel said, are 1) tuition increase not to exceed the rate of inflation (or approximately 3.5%); 2) require the allocation of financial aid dollars to be proportional to the number of students enrolled in the system, public or private; 3) shift emphasis from loans to meaningful state-funded work through student employment; and 4) restore the 12-credit definition of fulltime student status for financial aid.

Apart from the legislative agenda, a Lobby Day was held jointly with MSUSA in order to have a larger student presence at the Capitol. Other Lobby Days are scheduled for March 18 and April 16 and students were encouraged to participate. Mr. Martin Conroy, Student Legislative Director, said the March date was selected because it is close to the dates that are set for appropriations, and the April date was chosen to coincide closely with the second committee deadline when appropriation bills must be out of finance divisions.

SLAC has initiated its letter-writing campaign to legislators and started what is called a "buddy system," whereby students develop a closer interaction with legislators.

X. STUDENT SENATE CHAIR REPORT

Tom Lopez, Student Senate Chair, reported that an all-University governance retreat was held earlier in the year at which it was agreed that communication was an area that should be focused on. It was at this time the concept of the "buddy system" was developed and other ideas were shared. Senators were strongly encouraged to consider more effective forms of communication not only within their colleges but throughout the community and State as well.

XI. OLD BUSINESS

NONE

XII. NEW BUSINESS

Denise Tolbert made an announcement regarding priority registration for student Senators.

At this time a Senator asked for suspension of the rules to consider a resolution supporting President Hasselmo's recent management decisions relating to the ALG program. The motion to suspend the rules was approved and the following Resolution was considered:

RESOLUTION SUPPORTING RECENT MANAGEMENT DECISIONS OF PRESIDENT HASSELMO AND THE BOARD OF REGENTS

WHEREAS, University of Minnesota President Nils Hasselmo has recently made some extremely difficult management decisions, including requesting the resignation of Dr. John Najarian as chair of the Department of Surgery and his role with MALG; and

WHEREAS, The University of Minnesota Board of Regents has unanimously supported this decision; and

WHEREAS, There has been considerable public scrutiny of this issue, including most of the major media services in the State of Minnesota;

NOW THEREFORE, BE IT RESOLVED THAT The University of Minnesota Student Senate supports the decision made by the President and the Board of Regents regarding the decision to keep Dr. John Najarian as a member of the faculty while relieving him of his duties as chair of the Department of Surgery because of his oversight responsibility regarding the MALG issue.

After some discussion, the Resolution was approved.

APPROVED

XIII. ADJOURNMENT

The meeting was adjourned at 1:45 p.m.

**Martha Kvanbeck
Abstractor**